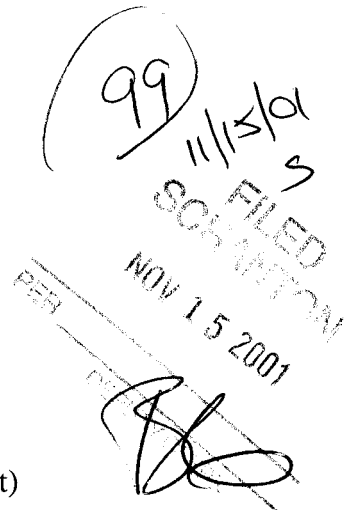


IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

JASON E. BENSON : CIVIL ACTION
V. : NO. 1:CV-00-1229
WILLIAM G. ELLIEN, M.D., et al. : (Judge Caldwell)
(Magistrate Judge Blewitt)



MOTION OF WILLIAM G. ELLIEN, M.D. FOR A TEN DAY EXTENSION OF
TIME IN WHICH TO SUBMIT A STATEMENT OF MATERIAL FACTS
TO WHICH THERE IS NO GENUINE ISSUE TO BE TRIED

William G. Ellien, M.D. ("Ellien") respectfully requests that his motion for a ten day extension of time in which to submit his concise statement of material facts to which there is no genuine issue to be tried be granted and states in support thereof the following:

1. Jason E. Benson ("Benson") has filed an amended complaint against William G. Ellien, M.D. ("Ellien"), a private psychiatrist, contending that he provided inadequate psychiatric care to him.
2. Ellien has filed a motion for summary judgment on several different grounds within the time period set by the Court. This Court has indicated that dispositive motions must be submitted by November 15, 2001. Ellien intends to file his brief within the ten days of the submission of the motion provided for by the local rules of the United States District Court for the Middle District of Pennsylvania.
3. Ellien asked that at the time he files his brief he be permitted to submit his statement of material facts to which no genuine issue exists to be tried. He requests this extension of time because his counsel has just started a new practice. This entailed the moving of files, procuring a new computer system and phone system. His counsel also has had three

major appellate briefs due within the last thirty days. He has just completed two private arbitrations, one of which was on a Saturday.

4. A ten day extension of time in which to submit the statement of uncontested facts will not delay the resolution of this matter in any way since the brief is not due for an additional ten days. Plaintiff will suffer no prejudice. It will provide counsel for Ellien with sufficient time to provide a thorough review of the record for the Court and to establish why summary judgment should be granted.

WHEREFORE, William G. Ellien, M.D. respectfully requests that his motion for an extension of time in which to file his statement of uncontested facts be granted.

BY:

 GOLD, BUTKOVITZ & ROBINS, P.C.

ALAN S. GOLD
Attorney for Defendant,
William G. Ellien, M.D.

7837 Old York Road
Elkins Park, PA 19027
(215) 635-2000

CERTIFICATE OF SERVICE

I hereby certify that I have sent a true and correct copy of defendant, William G. Ellien, M.D.'s Motion for an Extension of Time to File his Statement of Facts by U.S. First Class Regular Mail on this date to the following individuals:

Jason Eric Benson
SCI-Smithfield
#DS-6483
P.O. Box 999
1120 Pike Street
Huntingdon, PA 16652

James D. Young, Esquire
Lavery, Faherty, Young & Patterson, P.C.
301 Market Street, St. 800
Harrisburg, PA 17108

David L. Schwalm, Esquire
Thomas, Thomas & Hafer
305 North Front Street
P.O. Box 999
Harrisburg, PA 17101

DATE: _____

11/14/01



ALAN S. GOLD